



## Arts and Entertainment Work Group

11-17-2008

### What is this topic?

Baltimore has a goal to be a City that accommodates the variety of artists' needs, including creating and selling art and potentially expanding opportunities for live performance. Artists often want to live where they work. Over recent years, there have been various efforts to modify the code to differentiate between types of live entertainment in an attempt to allow a variety of live entertainment uses while protecting adjacent properties from noise and other nuisances.

### How do current approaches impact development?

Often, the nature of an artist's work requires industrial type spaces, but industrial zoning does not permit people to live there and has limits on retail uses. Artists often want to be able to sell their work directly from their live-in studio and this is not currently permitted in residential zones. In the current Zoning Code, various arts-related uses are not permitted in the same zoning categories, thus prohibiting artist live/work studios.

	Industrial Zoning	Business Zoning	Residential Zoning
Uses	Welding Jewelry Manufacturing Pottery Manufacturing Monument Works Lithographing Glass Manufacturing	Art Gallery Theater Custom Woodworking Tailor or Dressmaking Shop Printing and Publishing Photography Studio	Dwellings

Main Street commercial areas, usually zoned B-2, do not currently permit any type of live entertainment, even background music in restaurants.

### What issues with the current approach should TransForm Baltimore help address?

The current Zoning Code presents significant barriers to the development of live/work communities for artists, which could provide Baltimore with a great cultural asset.

Currently, the Zoning Code makes no distinction between various types of live entertainment. The current Code lacks definitions for many entertainment-type uses, causing confusion for operators and neighbors.

Enforcement of existing restrictions on noise levels and other nuisances is lacking.

Certain live entertainment and commercial uses and residences are incompatible.

Because approval of a live entertainment use is tied to the land rather than to the operator, adjacent businesses and property owners have little recourse if a legally established live entertainment use is operated poorly, creating problems with traffic, noise, trash, and security issues that affect the surrounding area.

**What proposed approaches should be considered during the TransForm Baltimore process?**

While some uses associated with the production of art work are not compatible in residential areas because of health and safety concerns, others may be permitted in overlay districts that could correspond to the existing Arts and Entertainment Districts, where there are already incentives for artists to locate but not the zoning to accommodate this live/work model.

Potential approaches to differentiating between types of live entertainment include establishment capacity ratings as determined by the Fire Marshall, maximum noise level as measured in decibels, hours of operation, and acoustic versus amplified live entertainment. A hierarchy of live entertainment uses should be created such that different zoning districts permit different tiers of live entertainment, with the most permissive zones approved to engage in all lower-tier live entertainment uses, for example:

	<b>Classification</b>	<b>Live Entertainment Use</b>
Most Permissive	<b>Tier 1</b>	Rock Concert/Disc Jockey
	<b>Tier 2</b>	Acoustic Background Music
Least Permissive	<b>Tier 3</b>	Poetry or Book Reading

Performance standards to regulate noise should be considered for residential zones and could be similar to the existing performance standards for the industrial zoning classification within the current Zoning Code.

Create a buffer between entertainment uses and residential uses except in entertainment overlay districts where there already are a clustering of entertainment uses.

Create a minimum distance permissible between entertainment uses to prevent clustering of entertainment uses outside of designated entertainment overlay districts.

Define various entertainment uses more precisely.

- **Currently, City Council had pending legislation that proposes to remove live entertainment from the Zoning Code and requiring licensure for establishments with live entertainment with enforcement by a newly established Board of Licenses for Live Entertainment, similar to the process for liquor licenses (Legislative File ID: 08-0163).**

Work Group Notes Combined  
Zoning Recommendations

Licensing live entertainment versus zoning for live entertainment ties the approval of this use to an operator rather than a piece of land, and gives the Board of Licenses for Live Entertainment the ability to rescind a permit if a specific operator becomes problematic.

This approach could be pursued as another level of restriction without taking live entertainment out of the Zoning Code completely to ensure that establishments with live entertainment are in appropriate locations, concentrating these uses in entertainment districts away in order to minimize adjacencies with residential areas.

The Board of Licenses for Live Entertainment would add another level of bureaucracy that communities would have to work with and its responsiveness to community concerns would depend largely on the makeup of this enforcement board.

This legislation does not differentiate between types of live entertainment and would permit any type of live entertainment in existing restaurants that are non-conforming uses in residential districts.

Legislation should only target music rather than theater and poetry or book readings as these uses do not result in the same negative impacts.

# Campus Work Group

11-17-2008

## Introduction

The Baltimore metro areas is home to more than 17 colleges and universities, including 2 teaching hospitals, 14 of which are located within City limits. Collectively, Baltimore's "Eds and Meds" constitute our largest employers, largest land-owners, largest developers and greatest attraction for new short- and long-term residents. A new zoning ordinance should help streamline the development process for campuses yet involve surrounding communities so that the impact of campus development is synergistic with their needs. In some cases, campus expansion can help revitalize distressed areas; in others, a well-established community is looking for more compatibility with their large neighbors.

TransForm Baltimore offers a unique opportunity to tailor land use regulations to address the unique needs of Baltimore's colleges and universities as well as the communities that surround them. The Campus Planning and Development Work Group will explore the current zoning code, its impact on campus development, and make recommendations for the new code. The work group's discussions have been framed around four key questions: (1) what is this topic; (2) how do current approaches impact development; (3) what issues with the current approach should TransForm Baltimore help address; and (4) what proposed approaches should be considered during the TransForm Baltimore process?

## **What is this topic?**

From Baltimore City's Comprehensive Master Plan:

"Universities and hospitals tend to be large land owners with complex, interrelated buildings and functions that districts need to be created to manage, zone and develop them. The Zoning Code should provide a tool for adoption of the campus and hospital master plans. A district master plan directs expansion so that property owners can continue to invest in the area with some assurance of stability. This can trade flexibility in uses, design, parking and review process with comprehensive planning with public input. The communities surrounding these areas and institutions provide a unique opportunity for housing and retail support for the area and the surrounding neighborhoods. This category should support the mix of use (biotechnology companies, medical offices, educational institutions, retail, and housing) that can support both the institutions and neighborhoods. This district will be different from the other mixed use categories based on the use mix, and the general purpose statements that will guide development in this district".

## **How do current approaches impact development?**

## Work Group Notes Combined

### Zoning Recommendations

- Most campus areas are currently zoned residential or are partially within a residential Planned Unit Development (PUD).
- Several are within Urban Renewal Plans (URP) which have “Educational/University Districts” identified
- The development procedures the City has in place (i.e. PUD and current Zoning) work well for the Universities. They would be in favor of some streamlining and clarity at the onset of a project for own planning and cost savings.
- Implementation of the City’s plans/processes often impact the functions within campuses (i.e. time lines for developers’ agreements, street closings, infrastructure/utility improvements, etc).

- **Several development review processes impact Universities**

- Site Plan Review Committee (SPRC)

- New Developments/buildings Subdivisions;
    - Multiple Structures on one lot;
    - Multi family/ loft developments;
    - Condo projects;
    - Projects in 100 year flood plain;
    - Renovations/additions larger than 600 GSF;
    - Development with lot larger than 1 acre; and
    - Use having drive-up/drive-thru and walk-up facilities.

- Board of Municipal and Zoning Appeals:

- Set back Variance;
    - Coverage Variance;
    - Parking Variance; and
    - Conditional Uses.

- City Council & Planning Commission Approvals:

- Zoning Changes;
    - Street and alley closing & openings;
    - Subdivisions (with or without Development plan);
    - Final Design approvals (Two Structures in one lot);
    - Public Easements (Perpetual/Fee);
    - Planned Unit Developments (PUD); and
    - Master Plans.

- Urban Design & Architectural Design Review Panel (UDARP) Approvals
  - Urban Design Architectural Reviews and approvals are required for new developments and & rehabilitation projects outside Downtown area, and also for public buildings, planned unit developments and housing for the elderly, to assure a high standard of design.
- Forest Conservation Review & Approval
  - Developments that would disturb more than 20,000 sf of area are subject to forest conservation requirements.

### **What issues with the current approach should TransForm Baltimore help address?**

- Objectives

Work Group Notes Combined  
Zoning Recommendations

- Transparency for all stakeholders in the process
- Streamlined process
- Negotiated agreement to anticipate and mitigate impacts
- Zoning should address the impact on the neighborhood (both positive and negative)
- There should be clarity with respect to what can and cannot be enforced through zoning
- The legal definition of “campus” needs to be addressed. Each institution has its own unique campus environment and definition of that word. Is there a way that all aspects are covered under an umbrella term, or should they be called out separately? (i.e. contiguous campus, urban campus, adjacent/ annex/ parcel, medical, etc.)
- Public/Private Partnerships is becoming a more attractive development option for universities. The ground lease parcels are subject to local zoning
- Privatized student housing needs to fit into the context of surrounding neighborhoods
- Stricter parking requirements need to be in place to prevent students and employees from avoiding the parking fee on campus by parking in the neighborhood; or is there a way to include the parking/transit fee into student fees up front, so that students use transit/on-campus parking.
- Universities would like to see more certainty to the process/ clarity (i.e. hard lines for when State properties are exempted/ public-private developments/ timeline)
- The definition for “multifamily dwelling” needs to be defined and possibly coordinated with surrounding jurisdictions. Many concerns come from the transformation of single family dwellings into fraternity/sorority houses and multi units. The City allows up to 4 unrelated persons to live together whereas the counties allow only up to 2. How are sororities/fraternities defined in the City vs. counties?
- Around medical centers, adjacent land uses should allow persons receiving care to transition from acute medical interventions to ongoing care (i.e. substance abuse centers should be able to locate near medical institutions).

**What proposed approaches should be considered during the TransForm Baltimore process?**

- Create a specific designation in the Zoning Code that meets the needs of campuses and protects (or in some cases helps revitalize) surrounding communities.
- Take a look at Philadelphia, where they have what’s called an Institutional Development District (IDD). The campuses of Penn, Temple, Drexel and the other schools fall into this category. The IDD zone has specifications tailored to the needs of university development, like no height requirements, exemptions to FAR for university-specific architectural elements like belfries and towers, and limited commercial uses compatible with a university setting (bike shops, delis, drycleaners, etc) that are clearly enumerated but not permitted by right.

## Work Group Notes Combined

### Zoning Recommendations

The code also speaks to this issue of creating new university zones. It mandates the development of an enforceable plan and leaves room for community review.

- How do State institutions fit in with these as they are exempt? Would they be in favor of a university overlay that would regulate them?
  - State institutions are required to create master plans in 5-year cycles
- Should/could there be a mandatory community approval process?
- Is there a way to designate areas that buffer campuses in order to protect uses in surrounding residential areas?
- How can zoning ordinances/variances work in tandem with community agreements? (i.e. setback/ coverage/ parking requirements)

# Design and Preservation Work Group

11-17-2008

## **What is this topic?**

In Baltimore historic preservation has led many successful neighborhood revitalization efforts, enhanced many economic development projects, and preserved Baltimore's character in the face of dramatic change. Today, Baltimore has more historic districts than any other city in the Country, providing Baltimore with the rare opportunity to distinguish itself as the most historic city in America.

Some of the newer construction projects, mostly built after WWII, detract from the historic character of the surrounding community. These projects were generally constructed following strict zoning requirements, especially zoning's bulk regulations. Often times there are historic building patterns that are compromised when there are certain types of new construction and rehabilitation projects that would detract from or destroy the historic character of these neighborhoods.

## **How do current approaches impact development?**

The current zoning code lacks design standards and often has bulk regulations that lead to buildings that are out of character with the existing built context, historic or otherwise.

## **What issues with the current approach should TransForm Baltimore help address?**

Parking Regulations are often a prohibition to reuse of historic structures.

Parking is currently not part of FAR. This tends to create an unpredictable increase in building massing where projects involve large parking garages.

There is a lack of design standards within the zoning code; this is especially problematic for parking garages and other structures that are not typically friendly to the street.

Often the bulk regulations for new construction encourage demolition of historic structures to allow increase in building mass.

Sometimes the current regulations do not permit new construction that is identical to what exists in a given area.



There are often multiple layers of standard that impact areas such as downtown, zoning, urban renewal and historic districts. This situation makes redevelopment confusing and not predictable.

There are areas of the City where the zoning does not permit the mix of uses that would be expected from the given structures.

**What proposed approaches should be considered during the TransForm Baltimore process?**

- Zoning rules should more clearly match what is on the ground in preservation areas.
- There is a challenge in defining character? Is it physical/architectural, mix of uses, and/or private space vs. public spaces and streetscape?
- Given the importance of the street as a place, is it a problem to have zoning lines split at streets vs. at alleys?
- A new zoning code should consider minimum building heights and build-to lines on streets significant streets. And consider other ways to maintain street character, use, design and vibrancy. In addition curb cuts should be prohibited or minimized on significant streets.
- Zero lot lines should be encouraged when ever appropriate and possible. Front parking and odd spaces can detract from the streetscape.
- Strong consideration should be given to form based codes. What types of areas are they most appropriate for? How can a hybrid code work?
- Consider creating a Transfer of Development (TDR) rights tool that could be used for building preservation and/or environmental preservation.
- TDR might require decrease in underlying density which caused some concern about property rights.
- Aesthetics make places worth living; consider a tool in a new zoning code that would include some simple basic design requirements aimed at preserving and maintaining building fronts with some historic standards. Maybe this could be an overlay district?
- Could some Rehabilitation standards be in Zoning?
- Create better coordination and transparency between zoning and local historic districts.

## Work Group Notes Combined

### Zoning Recommendations

- Make sure the new zoning code considers innovative Storm Water Management techniques that can improve the human experience.
- Zoning should adopt greener standards for parking lots and parking design in general.
- The preservation of neighborhood character should be considered in zoning, even if larger structures are built in row house neighborhoods they should complement the existing.
- The “people character” of a neighborhood is important, consider whether zoning effects gentrification? And how could it preserve traditional neighborhood demographics but allow for redevelopment.
- Consider clearer cross-referencing language in the Zoning Code for areas that are historic districts or landmarks.
- Consider clearer standards for roof-top additions. Some general aspects of the current rowhouse addition guidelines could be used to make bulk of additions standard and more predictable.
- Review bulk regulations very carefully in historic districts, including but not limited to, setbacks, heights and material choices.
- Step-backs (of taller buildings) could be used to control the drastic look of new construction next to existing buildings. Zoning should not create an appearance of extreme differences in neighboring communities.
- Rehabilitation and infill construction should be encouraged through a clear and simple process. The current process of zoning can encourage the use of new subdivided lots in undeveloped areas because of restrictions on rowhouse type lots.
- Should this rewrite give zoning more power or trigger the creation of other tools, and leaving zoning strictly to land use and bulk?
- Form-based codes are very practical in cohesive historic neighborhoods and may provide the predictability needed to encourage compatible new construction.
- The original historic intentions of neighborhood designs (Olmstead plans) should be reviewed for areas that contain privately owned “open space” and other categories that were ignored in the 70’s and possibly forgotten over time. What are the plans and intentions for quasi-public spaces?



## Work Group Notes Combined

### Zoning Recommendations

- Where does maintenance of green infrastructure fit into the review process? The care of trees in neighborhoods and parks should not just be an issue when construction is taking place.
- What will the new neighborhood role be in the review process?
- The new zoning code should effectively encourage walkable neighborhoods through design proximity of uses to one another. Bike trails and other transit modes should work in conjunction with zoning.
- The zoning code and building codes should be more interrelated. The building code is very specific about requirements in all construction, perhaps zoning could take on a role like this?
- What effect can any change in parking regulations have on new construction in historic neighborhoods? Could new construction help absorb needed parking? Perhaps parking sharing between rehabs (condo conversion) and new construction should be encouraged?
- What zoning methods can encourage a reduction in car use and possibly ownership?
- Can the new zoning code help transition between the city and outlying county lines? Currently one structure can have two completely different requirements depending where city/county line intersects.
- Can zoning preserve view corridors between larger developments, neighborhoods and the water, or other scenic views?
- Land currently used as a type of public space should be evaluated to avoid confusion when development takes place. What is thought to be public could be private, and what is actually public might have never been specifically intended to be permanent open space.
- If the zoning code rewrite is successful, in most cases PUDs should not be needed. Perhaps other overlay zones will always be needed, but not involve zoning, and be more predictable. Same for URP's controlling land use.
- Development should meet the needs of the current city and not totally speculative in nature. Current tax payers are just as important as possible tax payers.
- Environmental overlay zones should also be indicated in zoning, to help create a broader view about the effects of development.

Work Group Notes Combined

Zoning Recommendations

- Can this public process include a public presentation about the zoning methods used in other cities? Expand on the message that we are not the only city facing these issues, and that other places were able to improve.

## **Downtown Working Group**

**11-17-2008**

**Vision for Downtown:** Specific zoning regulations should reflect a larger vision for downtown: a 24-hour, bustling downtown, where people work, live, shop and dine; where the streets are pedestrian-friendly with continuous store-frontage and connectivity throughout; where commercial activity prospers; and where transit creates accessibility. Residents and others need more places open seven days a week and longer hours

**Vision for the New Zoning Code:** The new Zoning Code should be a more user-friendly, inclusive and comprehensive Code. This should be accomplished, in part, by the following provisions:

**Eliminate Cascading References:** Cross-referencing and recalling to previous sections (e.g. “as in B-1 District”) in the current Zoning Code is confusing, makes the Code difficult to read, and at times creates contradictions. The new Code should be written without referencing other sections, wherever feasible.

**Include Provisions of Urban Renewal Plans (URP):** To eliminate some of the need to consult multiple documents, consideration should be given to including DMA-applicable URPs (particularly the Central Business District (CBD) URP) in the Zoning Code wherever possible.

**Address Non-Conforming Uses:** Non-conforming uses are likely to spring up as a result of this re-write. There will need to be clear provisions in the new Zoning Code to address non-conformance in the DMA. Two questions should be addressed in regulating non-conformance:

Should non-conforming uses be grandfathered in completely, or should certain uses be subject to code enforcement after a given amount of time?

Should there be differentiation between individual non-conforming uses and their respective treatment?

**One Zoning District:** At present, the DMA is broken up into B-4 and B-5 zoning Districts, as well as two small Industrial Districts. It is recommended that one single Business district encompass the DMA in the future Zoning Code (this district could also apply to other areas outside the DMA as appropriate), with some division into Sub-districts to retain the character of certain areas, by differentially regulating height and density standards and land uses. Overall try to improve connectivity to other neighborhoods.

**Sub-district 1:** Encompasses the North Charles Special District between Saratoga and Centre Streets, as well as the Antique Row area on the 800 block of Howard Street and the 200 block of West Read Street.

**Sub-district 2:** Encompasses DMA excluding areas of sub-district 1.

**Setbacks:** A pedestrian-friendly and lively downtown requires a high level of continuous street frontage. For this reason, it is recommended that all incentives for building setbacks be removed. However, for the purpose of maintaining skylines, allowing sunlight to reach the streets, and avoiding wind-tunnel effects, step-backs should be encouraged several levels up.

**New Parking Structures:** Further study is needed to determine the proper parking regulations and parking ratios. The following provisions should be considered in the creation of the new regulations:

**Shared Parking:** The Zoning Code should encourage parking facilities to share parking spaces between more than one user, to increase parking efficiency.

**Counts toward Floor Area Ratio (FAR):** In a mixed-use development, parking garages should be included in the total FAR count for the structure.

**Retail:** New garage construction should be encouraged to include first floor commercial space. One way to do this might be to disallow parking on ground level.

**Air Rights:** New garage construction should be built with structural accommodation for future air rights development, with the goal to eliminate stand-alone garages.

**Historic Preservation:** For the purpose of preserving historic structures in Baltimore and dually fostering necessary high density projects, it is recommended that the new Zoning Code include provisions for the *Transfer of Development Rights* (TDR) from preserved buildings to alternative development sites in the same district. Specifically, for preserved historic buildings that can prove historical significance based on local, state and national designations, an FAR premium for the forgone density should be transferrable to another site.

**Land Uses:** Permitted land uses will need to be revised and redefined in the new Zoning Code. Some general recommendations for land use regulation are:

**Outdoor Seating:** Outdoor seating should be encouraged throughout the DMA, whether by allowing outdoor seating as a permitted accessory use in the whole District, or by eliminating outdoor seating entirely from the Zoning Code, such that regulatory processes alone determine where outdoor seating can go.

**Definitions:** Baltimore's current Zoning Code individually lists hundreds of different and very specific land uses. To give the Code flexibility, and eliminate some of the need for amendment and revision, it is suggested that certain land uses be combined into larger categories, with a definition of each of these larger categories appearing in the "General Provisions" section of the Code. Suggested categories and definitions follow:

**Retail/Service Establishments:** The majority of land uses listed in the current Zoning Code fall under a retail and service category. A preliminary definition might be "an establishment providing for the sale or rental of goods or services". A more exacting definition would be required and the definition would have to be careful to exclude unwanted uses; suggestions from other zoning codes are attached.

**Food/Beverage Establishments:** Bakeries, cafes, cafeterias, carry-outs, convenience stores, food markets, liquor stores, restaurants, supermarkets, taverns and other related uses could all be combined under this category. A preliminary definition would be “an establishment providing for the sale or service of food or beverage”; suggestions from other zoning codes are attached.

- **Property Tax Assessment:** The DMA and Baltimore City would benefit from a tax assessment system that punishes building owners who let properties sit vacant for long periods of time; though the system should not punish owners for the incidental loss of occupancy. This may require an addition of a definition for “vacant buildings” in the General Provision section of the Zoning Code, which would include provisions on idle property. However, certain problems could arise without careful wording, consideration, and a possible written-in mechanism to forgive a lien:
  - No market exists for some existing vacant buildings, and raising taxes will not provide incentive, but instead exacerbate the situation;
  - This set-up may disproportionately disable small property owners over large property owners; and
  - The city owns vacant property, some of which it will need to hold until further acquisition or other factors are in place.
- **Open Space:** The DMA’s parks and plazas should be assigned Open Space designation to ensure their preservation. Suggested areas are: Battle Monument, Center Plaza, Courthouse Plaza, Hopkins Plaza, Mt. Vernon Park, Preston Gardens, and War Memorial Plaza. It is worth noting that many of these parks are currently Right-of-Way and not parcels, and thus may require some additional steps to achieve Open Space designation.

**Signage:** The Zoning Code’s signage section will require revision and clarity in the future Code. General recommendations are:

**Clarity:** Signage regulations in the current Code are convoluted and extremely hard to follow. Revision will be needed to create clear, well-defined regulations, with limited cross-referencing.

**Size Regulations:** Size requirements will need to differ between certain areas of the DMA. It is suggested that the subdistricts listed above be used for variations in signage size regulations, or, alternatively, that size regulations be based on street width rather than building size.

**Design:** Signs should be compatible with the architecture and design of the building and of neighboring structures

**Murals:** Murals and super graphics should require a more stringent review process for approval than signage

**Upkeep:** Provision on the upkeep of signage should be included in Code: signs must be maintained such that writing remains legible, all lights are working, and standards of cleanliness apply.

Work Group Notes Combined  
Zoning Recommendations

**Flashing Signs:** Flashing signs, including theater marquees, newscast screens, temperature/time tickers, and barber poles, should be discouraged by not eliminated.



# Industrial Work Group

11-17-2008

## Introduction

Despite a regional economy that continues to diversify from the dominance of manufacturing to that of information and technology services, the City of Baltimore's long-term economic health still depends greatly on its industrial heritage. The City of Baltimore is endowed with a geography that gives its industries a strategic advantage – a central location with excellent transportation linkages via rail, highway and deep water. Manufacturing and other industrial uses, such as those within the Port of Baltimore, are an economic engine that import dollars from outside the region and create a multiplier effect for new jobs and income within the larger economy.

The same geographic advantage enjoyed by industry has also attracted increased growth in waterfront development that has added to the City's vitality, as residential and office uses have begun to reclaim some of Baltimore's outmoded and formerly under-utilized industrial waterfront. This has resulted in increased pressure to convert industrially zoned land to allow individual parcels to be redeveloped for "other, more profitable" uses. Yet, once industrial land and infrastructure are converted, there is limited chance of regaining industrial land elsewhere in the City of Baltimore.

TransForm Baltimore offers a unique opportunity to create a balance between economic engines of the past and present and those anticipated in the coming years. Its goal is to preserve and enhance the long term economic health of the City of Baltimore well into the 21<sup>st</sup> century. The Industrial Work Group will explore the current zoning code, its impact on industrial development, and make recommendations for improvements to help ensure that balance. The work group's discussions have been framed around four key questions: (1) what is this topic; (2) how do current approaches impact development; (3) what issues with the current approach should TransForm Baltimore help address; and (4) what proposed approaches should be considered during the TransForm Baltimore process?

## **What Is This Topic? A Review of Current Industrial Zoning**

Currently, Industrial Zoning (circa 1971) is categorized in 3 industrial zoning districts that roughly correspond to '**light**', '**medium**' and '**heavy**' industrial uses.

Current regulations are designed and intended to:

- Promote growth and stability of industrial and related development;
- Strengthen the economic base of the City;
-

- Provide the flexibility needed to meet the changing technological conditions that affect industry, its plants, and products;
- Encourage the upgrading of industrial operations by the application of good housekeeping standards;
- Protect the character of the district and its suitability for particular uses;
- Preserve and expand the City's tax base and employment potential.

Residential uses are excluded and/or prohibited from the City's industrial zones. Offices and hotels and motels are conditional uses in industrial zones, requiring Zoning Board approval.

In 1999, performance standards were introduced in M-1 zones that would be allowed to locate next to non-industrial land uses. In 2004, the Maritime Industrial Zoning Overlay district was enacted to protect port-related industries from encroachment of residential and other mixed-use land uses.

This work group will focus on assessing current industrial development approaches, identify issues associated with current approaches, and make recommendations for making improvements to the zoning code as it relates to Industrial Zoning and uses.

For example:

- How can we protect and promote current and future industry in a way that does not impede non-industrial growth and development?
- Are current classifications (light, medium & heavy) still an effective and/or appropriate way to regulate?
- What economic and regulatory changes have taken place since 1971 that impact industrial development?
- What obstacles to industrial growth and development exist and how can they be overcome with a more modern code?
- What best practices are in place and other cities that we could learn from?

### **How Do Current Approaches Impact Development?**

Reliance upon Planned Unit Developments (PUD) serve as a "de-facto" rezoning that allows residential and commercial uses that otherwise might not be allowed in Industrial Zones, putting increasing pressure on Industrial land and uses, both economically and socially (via nuisance complaints).

Existing (circa 1999) performance standards only apply to new industrial developments.

Current performance standards only apply to M-1 and Commercial Zones. Screening requirements for M-2 and M-3 zones adjacent to residences and offices are limited. In theory, M-2 and M-3 are not supposed to be adjacent to "impacted zones" as regulated

(Adjacent B, R & OR districts), but due to economic changes, these areas are now found next to what would otherwise be considered incompatible land uses.

*What do current and emerging industries require?*

- Access to affordable, reliable & renewable energy/power. Some need high voltage power.
- Quality infrastructure
- Small industrial/Entrepreneurial Industry needs access to small spaces or flex space for uses such as engine repair, small assembly, glass blowing, etc.
- Access via efficient & reliable transportation options (rail, highway, truck routes, etc.)
- Continuity/Predictability: enough stability to allow confidence in making costly, long-term private and public investments
- Industry, particularly those that are Port-related, need room to expand and grow where there is access to deep water, rail and truck routes.
- Large Parcels
- Flexibility of rail access at affordable rates
- “Buffering” between Industrial and incompatible uses like residential to avoid nuisance complaints. Requirements differ in different parts of the City
- Regulations should accommodate reuse of obsolete buildings and properties.
- Ensure establishments have a smooth, efficient process for operating.

**What Issues With The Current Approach Should Transform Baltimore Help Address?**

While facing a transition to a more service-based economy, the City’s older building stock, smaller lot sizes, higher taxes, and aging infrastructure make attracting new traditional manufacturers difficult.

Bioscience and other high-tech industrial uses often want to locate near the knowledge base offered by large central cities.

Industries are becoming ‘cleaner’ and can be seen as more compatible with commercial (non-residential) land uses.

**Issues Identified:**

- Protect Truck Routes to minimize traffic and idling; then enforce use of truck routes to protect other land uses
- Performance standards as they exist are not enforceable.
- HUD Empowerment Zone and related zones promote Industrial Development, but don’t necessarily correspond to or support zoning categories. As part of the program, Firms are encouraged with incentives to hire employees who live in the Zone.
- Traffic Impact Study/Inclusionary Zoning legislation create de-facto impact fees.
-

- Drawing a zoning line around current industry may not allow enough room to grow. Areas with access to deep water, rail and truck routes still need to remain available for future expansion.
- Despite popular beliefs, heavy industry is NOT dead, new opportunities exist or may emerge to grow and expand with shifts in the world economy and the rising costs of fuel.
- Renewable energy sources are needed – and represent a new source of industrial investment and jobs.
- “Everyone likes the products; no one likes the process of producing it (or delivering it).” Zoning can help achieve balance.
- The zoning code should recognize that some uses must remain isolated or segregated from incompatible uses, with options for expansion, because of public health concerns, etc. These types of uses are needed and necessary.
- Public health is impacted by some industrial processes and practices. How can these impacts be mitigated without putting industry at a competitive disadvantage? Operational improvements can help mitigate impacts, and even save money. (eg. Reduce the amount of time trucks and trains need to stand idling waiting for clearance, access, provide effective truck routes, etc.)
- Sustainability is an important economic consideration that is being driven by both economic necessity and regulations from the state and federal governments. Industry is heavily regulated which adds to the cost of doing business. Sometimes the costs exceed the benefits.
- Alternative energy systems will present a challenge with regard to zoning because of their impact on things like height limits (solar panels and wind turbines may add to the visual height of structures).

### **What Proposed Approaches Should Be Considered During The Transform Baltimore Process?**

The objectives for industrial zoning for Baltimore’s future include: retain existing businesses, enhance redevelopment, and create conditions for new businesses.

Baltimore’s industrial land uses may be better categorized by their infrastructure needs in a highly urbanized setting rather than their functional manufacturing needs: **maritime**, **non-maritime** (including business-industrial parks), and **emerging technology**.

Industrial land in the metro area is becoming scarce; Baltimore could become a premier location for industrial uses in Maryland if the zoning code and development process anticipate and mitigate potential conflicts between non-industrial uses up front. New locations for future industry might be derelict shopping centers or seriously deteriorated residential areas.

Recommendations:

- Flexibility of mixed-use zoning category could support green industry, in proximity to office and other uses.
- Retail to serve business employees (eg. lunch, ATM's) should be allowed within an industrial mixed-use zone
- Look at scattered site industrial or those surrounded by residential already for potential light industrial mixed-use zoning.
- Differentiate between smaller users and larger users. Some smaller users may be fine in commercial zones. Protect small sites for the smaller industrial users (food production, artists' space, etc)
- Consider an "Employment" district that allows industrial jobs to exist.
- Consider regular periods to revisit zoning, similar to the way Baltimore County does it, to provide an opportunity to react to structural changes in the economy.
  - Opposing view: short term zoning changes preclude long-term capital investments that are necessary for the Port and related industries to stay competitive.
- Establish clear criteria for future rezoning.
- Consider a single industrial zoning category and focus on compatibility of uses within those zones. Avoid creating additional pockets of industry surrounded by incompatible uses – "the Swiss cheese effect".
- Consider Impact Fees
  - Performance standards should be applied to non-industrial uses that knowingly locate next to existing industrial uses to minimize the potential for conflicts, avoid the "dust on the Mercedes syndrome" and minimize nuisance complaints against industry that has been there "forever" and plans to stay.
- Adjacent land uses can also be progressively designated so that they can be designed to minimize potential future conflicts (i.e. placement and noise-dampening materials of windows and doors, distance, buffering, etc)
- Mixed-use Industrial zoning may benefit high-tech models of industry and may be appropriate for some smaller industrial districts.
- Reconsider the 20 minimum acre size limit for industrial parks... smaller mixed-use industrial parks may be needed to accommodate "entrepreneurial" industrial uses, such as engine repair, light industry, etc. (and other uses that people do not want in their neighborhood commercial areas?)
- A regional economic development strategy that fosters cooperation and connects with Zoning more directly (reference to the Abell Foundation MIZOD Study) and plans for future Industrial Growth beyond municipal borders. This could be a clear, consensus driven Economic Development Strategy that: brings production closer to the consumer (a growing trend?); diversifies the economic base; provides for land assemblage and incentives; takes advantage of foreign trade zones, and capitalizes on existing infrastructure assets.
- Determine if there is an even better way to protect maritime industry while allowing for other types of waterfront development
- Streamline and clarify regulatory processes.

Work Group Notes Combined  
Zoning Recommendations

Zoning should address issues of outside storage (of raw materials, etc.).

Look at where infrastructure exists in devising industrial Zoning regulations

Performance standards are extremely difficult to enforce and may make the business aspects of industrial land more difficult to manage. Performance standards should not be more stringent than those currently regulated by the Maryland Department of Energy or those in surrounding jurisdictions. This would reduce Baltimore's potential advantages for locating industrial uses.

Incentive-based zoning may not work as intended with industrial users.

Auto uses (repair, maintenance, manufacturing, warehousing, etc) currently exist in both M-zones and B-zones. It may be worth analyzing what types of auto uses can exist with new definitions of industry.

Categorize streets according to not only the types of traffic they can sustain but also the type of paving material (i.e. concrete) that won't easily deteriorate due to truck traffic.

# Neighborhood Commercial

11-17-2008

## **What is this topic?**

At the heart of many of our neighborhoods are the commercial areas that serve nearby residents and often draw other people into the community. The Baltimore City zoning code currently allows for a wide variety of uses in these zones, including residential and office uses.

## **How do current approaches impact development and surrounding neighborhoods?**

### Uses

- Some commercial areas have an over saturation of uses, including churches in commercial areas.
- Smaller, more compact commercial areas are currently treated the same as larger areas; consider having different categories that might have different mixes of uses.
- Mixed uses can work in some areas, especially on major auto-oriented highways or near transit stations.
- Establishments that sell liquor and minimal amounts of food are a “hole” in the code.
- Consider the type of commercial zoning adjacent to residential but also in a very mixed area such as Fells Point

### Parking

- Shared and rear parking work in some cases but not in others.  
Ex: Shared parking works in Hamilton but not in Pigtown.
- Parking requirements have been difficult to enforce.
- Concerns have been expressed about some of the on-street parking changes, such as reverse angle parking (in Hampden, e.g.) slowing people down too much.

### General

- Mismatch between zoning and existing buildings, history of community, and needs and desires of the community.  
Ex: Live entertainment is excluded on Pennsylvania Ave; need a zone that allows it.

## **What issues with the current approach should TransForm Baltimore help address?**

### Use

Work Group Notes Combined  
Zoning Recommendations

- The mix of permitted uses could be tied to whether a neighborhood commercial area is intended to be primarily walk-to or primarily drive-to. Walk-to areas should include uses such as hardware stores, pharmacies, and post offices.
- Flexibility of uses allows creativity and fewer vacant or underutilized stores and buildings.

Parking

- Revisit the requirement that parking for a building must be within 300 feet.
- Consider requiring more landscaping and better design standards in parking lots.

Design/Bulk

- Consider adding design standards to protect historic character in some commercial areas.
- FAR jumps from 2.5 to 5; need more variation.
- Parking level should NOT be exempt from FAR.

General

- Conditional uses/variances should have to be reapproved if particular use changes after the initial approval by BMZA.
- Lot consolidation too easy--leads to buildings being out of scale with existing character and also leads to too much surface parking. Subdivisions get public review and consolidations should also.
- Zoning too broad (too many uses allowed in each category) and too vague (code doesn't define uses well enough).
- Put more emphasis on the nature of the structure, esp. the façade to suggest its use. For example, historic storefronts should be permitted for small businesses.

**What proposed approaches should be considered during the TransForm Baltimore process?**

Use

- Expand accessory use categories for more mixed use; a list of supportive or compatible uses might work better than a list of accessory uses in some cases.
- Light industry without excessive noise pollution or other disturbances could work in some commercial areas.
- Mixed uses within larger buildings like grocery stores could be encouraged.
- Size of buildings a factor in the types of businesses a certain area can accommodate.

Parking

- Current parking requirements for commercial/office uses are based on square footage; it might be better to evaluate based on the number of people working in an establishment.
- Rear parking preferable to parking in front.
-



Work Group Notes Combined  
Zoning Recommendations

- Parking decks preferable to surface parking where there is enough demand; creates security, convenience and gets parking up and off the street.
- Development near transit stops should have different parking standards, requiring fewer spaces to take into account and create incentives for transit use.

Design/Bulk

- Setbacks should vary depending on the intensity and compatibility of the use.
- Street widths should be a determining factor in what approach works best for an area.
- Rears of buildings should be more inviting; perhaps better buffers and property addresses should be required in the rears of stores.
- The size of signs is determined by a formula based on the size of the building. Other criteria such as width of street (street type—local, arterial, etc.) and character of neighborhood should be considered.
- Back-lit box signs should be prohibited everywhere in the city.
- There should be height restrictions on pole signs.
- Large signs should not block smaller signs of other businesses.
- Chain link fences should be prohibited along visible streets. Shrubs and plantings should be required along street frontage.

General

- Take particular characteristics, needs and desires of community into account when creating and applying zoning classifications.
- Needs to be a balance between flexibility and clear definition; clearly spell out certain uses, ex: check cashing, bail bondsmen, convenience stores.
- Form-based zoning might not be a good solution since so much that matters hinges on uses more than design.
- Corner businesses are often critical to revitalization.
- Residents alone can't support shops and restaurants in most areas; need people coming from outside the community; transit will bring more foot traffic and help compensate for lack of rooftops.
- Need for community control and review of uses.
- For the new code, the language and map should be seen simultaneously and reviewed by the community; rather than approving the book first and the map later, citizens need to be able to see how the code will be applied to certain areas up front.
- Community should have input into specific designs of developments.
- Correct and appropriate zoning should eliminate need for variances; variance process should be more stringent.
- Create a timeframe for mandatory revision of the zoning code (10 yrs?).

# Procedures

11-17-2008

## **What is this topic?**

The purpose of this work group is to review the various development procedures and review processes that are directly or indirectly impacted by the Zoning Code. The procedures work group seeks input from the public as well as “frequent users” of the system to provide suggestions for improvement. Suggestions should outline a problem or inefficiency, and provide a solution that may make the process simpler or easier to understand and navigate. In essence, we want to work smarter.

## **How do current approaches impact development?**

Presently, the general public who are unfamiliar with the various development procedures feel that they are at a relative disadvantage compared to a “seasoned veteran” who has more experience working with our Zoning Code. The processes should be open and easy to understand so that everyone is easily able to participate. More strict rules for public notification and a more convenient hearing schedule that potentially includes evening hours should be considered in order to facilitate public participation.

## **What issues with the current approach should TransForm Baltimore help address?**

There is concern over ensuring that there is public access to plans and materials submitted in conjunction with a BMZA application prior to the hearing. At times, changes to an application are introduced at the hearing that may result in a different response from community organizations and adjacent property owners that may have submitted a letter in support of the original proposal. How can this be resolved? When alterations or changes are made to a zoning request, what is the procedure for notifying the community?

How are postponements handled? What right does the public have to be granted a postponement if the developer has not provided critical information?

Is there a way to provide more training for the Zoning Administrator’s Office? Training would be valuable to increase their capacity and accuracy, both in providing guidance to citizens and to apply the Code definitively to avoid unnecessary appeals that the BMZA either does not need to review or that the BMZA does not have the authority to grant.

What is the difference between a conditional use and a variance? Are there any posting or notification differences? Sometimes it seems that the “burden of proof” shifts such that in

some cases the applicant must demonstrate that the required findings are met, while in other cases the protestants must demonstrate that the required findings are not met. Does this change depending on the applicant's request? Are there circumstances when this is/isn't appropriate, or where the answer may be different? What weight is given to protestants (opposition)? Do the economics involved in a project affect the BMZA's decision? Sometimes it seems that preference is given to the developer unless representatives from the community show up to protest the application. This gives developers the incentive to limit knowledge of a project within the community (no notice to adjacent property owners, poor posting location or lack of posting, etc.) so that it appears there are no protests and then the application is approved.

How can it be verified that a public notice sign is posted properly and in the correct time period? Could part of the application fee be used to cover the costs of the City printing and posting the public notice sign to ensure that it is done properly? Could the signs be standardized and clearly indicate the actions before the BMZA such as a conversion of use, conditional use, variance of a rear yard setbacks, etc.?

Could the BMZA provide reference manuals on the Zoning Code or other explanatory aids to interested people?

Could the City incorporate provisions of the American Planning Association's *Growing Smart – A Legislative Guidebook and Model Zoning and Planning Act* into the new Zoning Code?

Could the processes for Planned Unit Developments (PUDs) be examined? PUDs are often approved long before development begins and then frequently amended – generally to increase density – and then more amendments may follow. Can there be a time limit imposed so that the PUD owner(s) need to start over if they don't begin in a timely manner? Sometimes, numerous amendments are made over time that significantly alter the original master plan but the community has a limited ability to oversee these amendments and determine the overall impact of the amendments.

**What proposed approaches should be considered during the TransForm Baltimore process?**

- Standards should be adopted for the determination of whether an application is complete. An appeal should not be scheduled until the application is determined complete in a pre-submission review of the application materials. The determination of an application's completeness is currently being made by the Zoning Office, but the BMZA may be better suited to applying these standards.
- Consider adopting a filing completion date in order for items to be scheduled for a BMZA hearing, such that all materials to be considered by the Board would be required to be entered into the case file no later than that date (perhaps 7-10 days prior to the hearing). This would give an opportunity for concerned parties or complainants to review the file

and access to the same information to be discussed at the hearing. Perhaps an electronic application could help with making this information available online, or in other ways that would not require appearing in-person at the BMZA office to review the physical case file. Digital format application forms and block plats would assist in this effort, as well as simplify the process even if a filing completion date is not established.

- If a filing completion date is adopted, the BMZA should also establish a policy concerning changes to proposed cases, such as requiring the rescheduling of any hearing where changes to the application were made after the hearing is scheduled with new public notice of the rescheduling required. Reductions in scope should be permitted beyond the filing completion date without requiring postponement.
- Considering the potential for changes in drawings, as well as the potential for the BMZA to apply conditions for approval, architectural drawings approved by the BMZA should require some form of authentication. For example, perhaps two copies of the revised/final plans could be stamped as approved by the Board similar to the procedure currently used by the Site Plan Review Committee (SPRC). This way concerned individuals as well as City enforcement staff would be better able to determine which physical changes to, or uses on, a property were in fact authorized by the Board as indicated on the approved drawings as part of the permit application process.
- A policy concerning commentary via e-mail should be established. A practical cut-off time and date should be established, such that after that time and date, any commentary submitted to the Board for a specific case cannot be guaranteed to be included in the case file at the hearing. Alternately, a reply acknowledging receipt of e-mail commentary could suffice. The policy could also dictate whether a simple e-mail message is sufficient, or if some form of authentication should be required, such as a digital signature, or a scanned image of a manually signed letter.
- Consider creating a “helpful hints” section as a non-regulatory appendix to the Zoning Code that explains how the BMZA process works, gives examples of a typical case by type (variance vs. conditional use), and outlines how the process works from the points of view of both the appellant and protestant. Alternately, this could be published as a reference handout produced by the Board, and published online. Perhaps a “Frequently Asked Questions” (FAQ) section could be incorporated. Otherwise, perhaps a community analog to the Developer’s Guidebook could be produced that would detail the various development processes from the point of view of the public.
- The public notice signage required for a BMZA hearing could incorporate the use of a color-coded header or similar technique to aid in showing the category of appeal. For example, variance requests would have one color header, and conditional uses would have another color header. Alternately, or in addition, a letter/number code (e.g. as per Howard County, combination of both) could be used rather than the current appeal

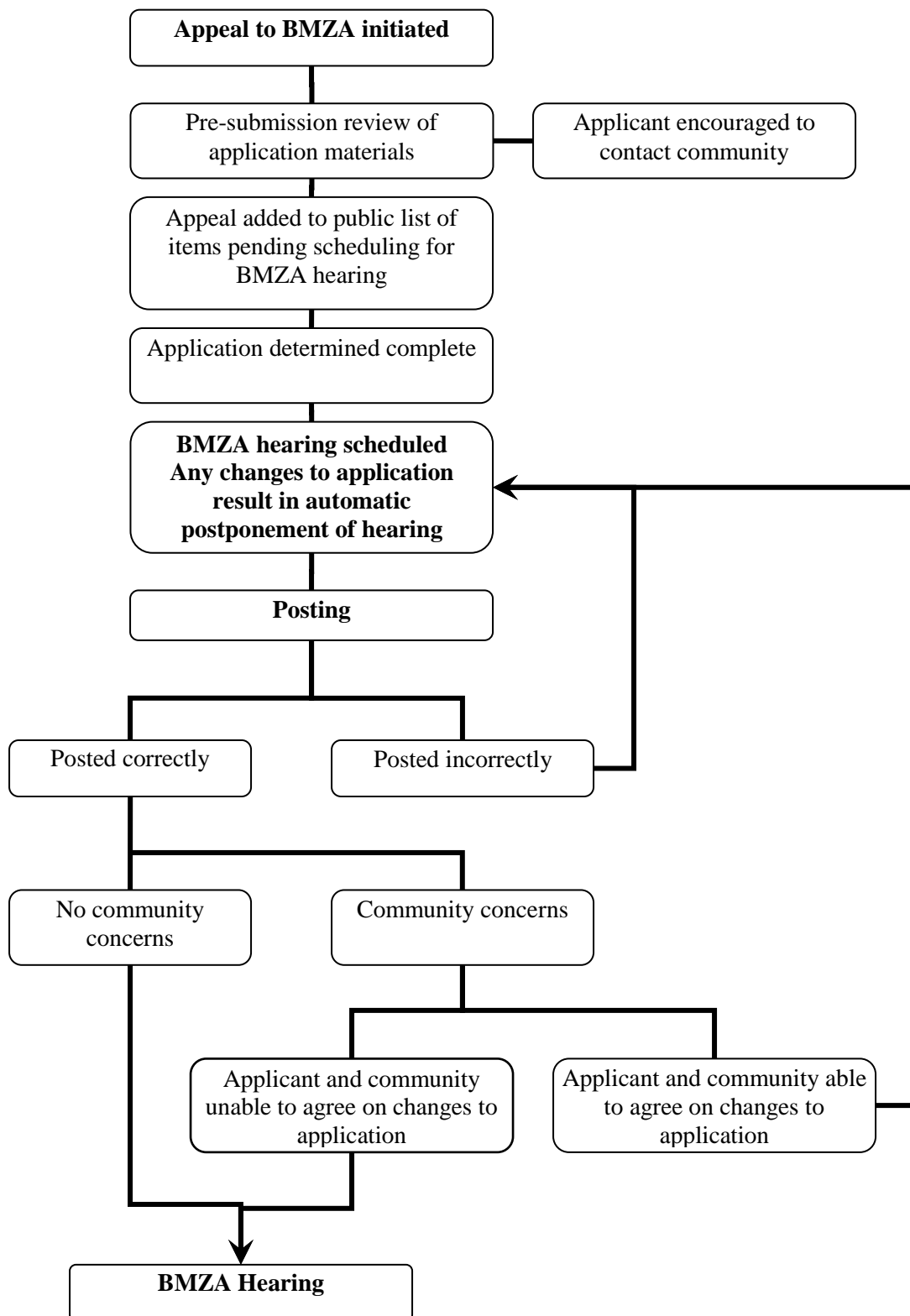
number which is often difficult to remember. Format of signage should be standardized and provided to applicants electronically, similar to current procedures for Planning Commission and City Council posting.

- Consider offering an option for the City to produce the required posting signs, and have the appellant post the property. Presently, the applicants can either make the sign themselves (often with substandard results that end up in postponement), or they can pay a third-party contractor or sign company to produce the sign. By offering this as an optional City service, appellants would retain the choice of making the sign themselves, or they can purchase a sign that is guaranteed to be correct.
- In the event that a case cannot be heard due to incorrect posting, the public should be notified prior to the day of the hearing that the case will not be heard. For example, if a revised docket or cancellation notice was published online, and/or through the existing e-mail distribution list. Alternately, the docket could include a record of scheduling with lists of cases to be scheduled, those scheduled, those unscheduled, such as in Howard County.
- Consider posting cases to the BMZA's webpage as the applications are received versus when the appeal is scheduled for a hearing. Perhaps a case abstract and contact information for the appellant could be included. Subsequently, the BMZA's decision and the disposition of the case could be published online (e.g. as per Harford County). This would allow for more time for communities to identify cases of interest, do their research, and contact the appellant to request more information if necessary. After the case, interested parties can access the results of the case without needing to contact the BMZA's staff.
- The BMZA has established a set of rules for how they conduct business, and historically changes to these rules have been rare. The Board should consider periodic review and approval of the Board's Rules (regardless of if changes are made) to ensure that these rules are kept up-to-date. The Board should also consider publishing potential changes to their rules in some form of public notice, and receive comments from the public concerning those changes. While the Board currently retains the sole authority to alter their rules (with the exception of a City Council override), accepting public comments may help the Board in making any changes.
- Consider requiring expiration dates for Planned Unit Developments (PUDs) and potentially a mandatory start date for the implementation of the PUD, or it will be invalidated for lack of execution. Consider adding a minimum time period between amendments to the PUD, e.g. not sooner than one year from passage or the last effective date of approval.
- Extend public notice from 10 days to 30 days and require written notification of property owners within a certain distance of the subject property via first class mail with a copy of notification letters provided to the BMZA prior to hearing for the case file.

Work Group Notes Combined  
Zoning Recommendations

- Consider extending the appeal time from 10 days to 30 days also.
- Determine purpose of one council meeting delay between 2<sup>nd</sup> and 3<sup>rd</sup> reader on ordinance for rezoning since it occurs after the committee hearing on a bill and eliminate if possible.
- Create a streamlined process for administrative adjustments for minor issues as long as public notification is provided for and opposition would permit for a full hearing in front of the BMZA.
- Create a suggested time frame for BMZA decisions to be issued.

### Suggested BMZA Procedures Flow Chart:



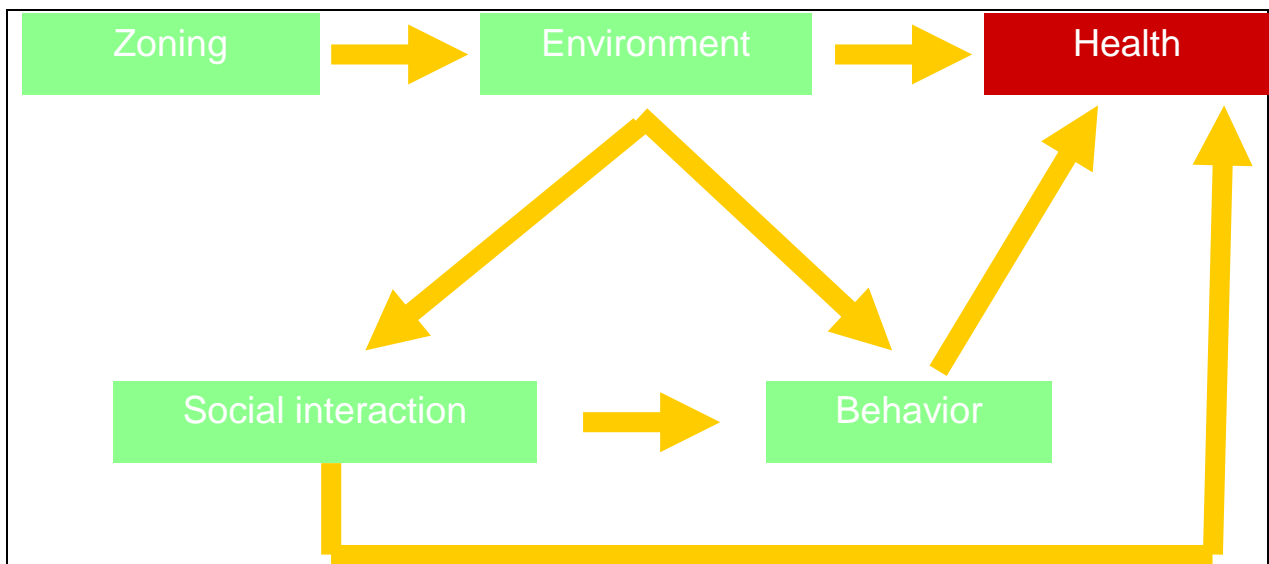
# Public Health Work Group

11-17-2008

## What is the topic?

One of the main purposes of zoning is to protect the general health and welfare. Current understanding of health protection and promotion has changed since the last zoning code rewrite. Public health today focuses on disease prevention as well as health promotion by creating the conditions in which an individual can be healthy. Public health is increasingly guided by principles of equity and justice. Health is understood as the product of context and multilevel influences, including individual, environmental and fundamental factors. Environmental level influences include features of the built environment, which can influence health both directly and indirectly by shaping social interactions and individual behaviors (see Figure 1).

*Figure 1: Model of how zoning can influence health*



Zoning regulations play a key role in shaping the built environment and its impact on health. The following is a discussion of how zoning can: promote public health; avoid creating barriers to public health; and incentivize health-promoting measures. The recommendations below are the culmination of public health and planning literature and community recommendations from a public meeting held on November 13, 2008.

Primary health issues in Baltimore as identified by the Baltimore City Health Department include: alcohol and drug use, asthma, cancer, crime, diabetes, heart disease, obesity, HIV/AIDS, injury and safety, low birth weight, infant mortality, mental health and smoking.



Community members are additionally concerned about: lead poisoning as related to crime, food sources, unclean streets, rats, lack of healthcare providers, noise, sleep deprivation, siting of research, heat and climate control, incompatible land uses for health, bicycle safety, pedestrian safety, sexually transmitted diseases, physical inactivity, lung disease, access for people with disabilities, distribution of pollutants, unequal burden of pollutants and other environmental contaminants by race and poverty, public education location, access to physical education, physical activity, and health issues for discharged prisoners.

The following sections offer possibilities for addressing many of these health issues directly and indirectly through the zoning code.

- **How does the current approach impact development?**

When the current zoning code was created in 1971, the primary purpose of zoning was based on the pressing public health concerns of a City that had been rapidly growing, economically restructuring from its industrial past, and trying to accommodate new ways of living that included increasing automobile ownership. To this day, the purposes of zoning are the following:

- *to lessen congestion in the streets;*
- *to secure safety from fire, panic, and other dangers;*
- *to promote health and the general welfare;*
- *to provide adequate light and air;*
- *to prevent the overcrowding of land;*
- *to avoid undue concentration of population;*
- *to facilitate adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;*
- *to conserve the value of buildings and other structures;*
- *to encourage the most appropriate use of land throughout the City; and*
- *to divide the City into zoning districts of the character, number, shape, and area best suited to effect these purposes. (§ 1-401)*

The principles of zoning from 1971 have inadvertently caused barriers and given rise to the types of public health concerns Baltimoreans have today such as obesity which can be linked to lack of walkable spaces or adequate access to healthy food. While the zoning code is limited in the way that it addresses public health, it can help promote general health and welfare by creating conditions in which individuals can be healthy. Using this approach in concert with research-based evidence and an understanding of local experience, the code has the capacity to positively impact health more fully than it currently does.

The following notes include ways in which the zoning code can be changed to better promote health and ways in which the zoning code can better protect Baltimore citizens from negative

influences on health. Additionally, community members have expressed concern about the degree of evaluation and enforcement of aspects of the current code which may have health impacts.

- **What issues should TransForm Baltimore aim to address?**

Our recommendations for zoning for public health fall into six categories (further outlined in the next question):

**Increased green space requirements:** Green space impacts health in many ways. It creates opportunities for exercise, escape and relaxation. Attractive places for recreation and exercise can play a role in reducing obesity and cardiovascular disease. Green space, particularly trees, can limit negative environmental exposure by serving as a barrier from pollutants. Trees, grasses and shrubs limit the urban heat island effect, help to improve water quality, provide shade and create habitat for wildlife. These may positively influence a wide range of health outcomes, including mental health, asthma, obesity, and crime. Tending to and recreating in green spaces helps improve social interaction and neighborhood cohesiveness, factors that improve well-being and health.

**Zone for increased social interaction:** This recommendation seeks to promote opportunities for social interaction. Increased social interaction has a positive effect on a variety of health-related outcomes, including mental health and crime prevention, by increasing social support, enhancing community connection, promoting community involvement and caretaking and creating opportunities for social and economic resources. Feeling safe can influence extent of physical activity and neighborhood cohesion, both of which also contribute to mental health and other health outcomes

**Zone for completeness in neighborhoods:** This recommendation refers to the need for mixed use space and availability of diversity and a wide variety of different land uses within a neighborhood. Community design towards completeness enables equitable and convenient distribution of a range of services (grocery stores, pharmacies, schools, post office, banks), increases physical activity through walkability, creates opportunities for social interaction and promotes economic well-being through job creation and locally available income generation opportunities.

**Separate healthy and unhealthy uses as understood in 2008 and beyond:** This recommendation refers to aspects of land use which contribute to improved health and those which create barriers to health. Land use and design dimensions which promote and hinder health can be separated through regulation and incentive. Of particular concern is the proximity of certain uses/impacts to vulnerable populations. These uses/impacts include proximity to environmental pollutants, noise, density of fast food stores or liquor outlets near schools. As a corollary, compatible uses should also increasingly be brought together to better promote health. Zoning regulations should account for possible future uses as well, and look

ahead to address climate change related issues.

**Use sustainable and energy efficient building practices and materials for new development and infill:** This recommendation refers to the health impact of physical space and building materials, which can contribute to asthma, physical activity and mental health. Use of less hazardous building materials decreases possible exposures for workers and the adjacent community. This will also help reduce energy costs.

**Zoning process and procedure improvements:** This category aims to address procedural aspects of zoning that can better promote health. Topics include enforcement, addressing past problems, and incorporating health concerns into the review process

- **What proposed approaches should be considered during TransForm Baltimore?**
  - **Green Space**
    - Require minimum green space for housing, retail, and commercial developments
    - Require maintenance of green space and parks
    - Vegetative buffer between roads and residents, streets and sidewalks
    - Vegetative buffers along all water sources (streams, rivers, lakes, bays)
  - **Zone for increased social interaction**
    - Require wide sidewalks in mixed use areas to allow for outdoor seating
    - Zone for public gathering space for outdoor concerts, farmers markets, community gardens, festivals
    - Outside lighting for entrances, walkways and parking lots
    - Landscaping with groundcover and trees to allow visibility, show ownership and enhance pedestrian environment [example of 2.5 foot window of visibility 3 feet from ground]
    - For new buildings, require certain percentage allocated for public use (e.g. Anchorage, AK)
  - **Zone for completeness**
    - Mixed land use
    - Incentives for services such as health care, post office, fresh fruit and vegetable grocers, recreation facilities in neighborhoods that lack these facilities
    - Encourage diversity of use and population: artist, low income, single family vs. multi-unit, elderly
      - Low-income and low-threshold housing options
    - Zoning policies that favor accessory dwelling units and other options that account for unusual household composition
    - Ensure that zoning facilitates availability and access, with equitable distribution and options outside of high density areas

Work Group Notes Combined  
Zoning Recommendations

- Drug treatment
    - Mental health services
    - Shelters
    - Transitional housing
    - Healthcare and pharmacies
    - Harm reduction services
  - Zoning for job creation within neighborhoods
  - Zoning to allow/ enable small scale business operations in residential areas
    - incentivizing health promoting business
  - Enable vacant housing/abandoned lots to be used for gardens, green space, or more easily developed for small business
  - Public use overlay area
  - Zoning for high quality facilities for education, accounting for design standards for greenspace, recreational facilities, building appearance, safety promotion
- **Separation of healthy and unhealthy functions**
    - Keep schools, residences, day care centers and nursing homes at least 200m from major roads
    - Allow the existing Public Use Overlay designation to signify where public use buildings may be located in the future.
    - Limit number and concentration of alcohol outlets in a neighborhood; limit outlet proximity to each other and to schools and playgrounds
    - Direct major truck traffic away from neighborhoods, schools, hospitals, day care, and nursing homes
    - Limit tobacco outlet proximity to schools and outlet density in neighborhoods where there are schools
    - Consider possibilities for incentivizing accessibility of nutritional food options and reducing density and proximity of fast food outlets to schools, youth facilities, playgrounds.
    - Incentives for health promoting business and industry, i.e. high quality fruits/vegetables; green manufacturing
    - Continued environmental justice and equity considerations in siting of dumps and toxic waste
      - Separate from residential areas (particularly for low-income areas)
    - Consider noise performance standards for residential, commercial and manufacturing use
- **New development use sustainable and energy efficient building practices**
    - New parking lots and other paved surfaces to use permeable, light-colored pavement
    - Street improvements: bike lanes, crosswalks at all intersections, shade trees along walkways, increase walkability of sidewalks and paths
    - Demolition process

Work Group Notes Combined  
Zoning Recommendations

- Require greater recycling and reuse standards
  - Enforce limits on noise, dust and truck traffic
  - Enforce mechanisms to limit exposure to construction particles and pollution
- New roofs to use light-colored materials
- Orient, design and use materials that are energy efficient and limit impacts of hot weather
- Use energy efficient lighting
- **Improvements to Zoning Process**
  - Consider health vulnerability and cumulative disadvantage in allocation of zoning regulations
  - Require Health Impact Assessment for siting of new businesses / operations / changes in land use / redevelopment of brownfields and abandoned properties – including:
    - engagement of all stakeholders, including the community members
    - Monitoring and evaluation. Including recourse for unintended consequences of zoning.
  - Consider public health criteria as a basis to modify or deny zoning variances or appeals.
  - Consider how to effectively enforce zoning and transportation laws (i.e. truck routes are established but are not always followed thereby bringing truck traffic onto residential streets. How can zoning address this?)
  - Consider health consequences of industries / operations that were grandfathered into the current zoning code. ( i.e. what can current zoning do to address concerns from past: can zoning address problems around the bus depot?)
  - Consider context when considering impacts of proposed land use (i.e. designation of “mixed use” for development may only be successful in the long run given presence of other conditions in a neighborhood or community).

# Residential

11-17-2008

## What is this topic?

Residential Zoning is intended to

- (1) meet the housing needs of the City's present and future population; and
- (2) promote the stability and desirability of residential areas.

Title 4 of the Zoning Code regulates bulk and use restrictions in residential areas. Twelve Residence Districts, each designed for a specific purpose and function, are provided. The Code regulates such activities as additions and decks, conversion from single-family (SF) dwellings to multiple-family (MF) (apartments), and the size of allowable structures.

The purpose of this topic is to determine issues with current regulations as well as to identify areas of concern the Code does not currently address.

## How do current approaches impact development?

The current approach controls bulk regulations (related to the physical structure) and use regulations (related to activities). Bulk regulations include lot size minimums, setback requirements, and height restrictions, often via Floor-Area-Ratio (FAR). Uses are restricted to residential and institutional, with some agriculture allowed in the lowest densities, and some commercial allowed in the highest densities.

## What issues with the current approach should TransForm Baltimore help address?

### Additions

- Additions to rowhouses (rear and roof) need to be more sensitive to preserving light and air, historic character of area, and existing scale.
- Accounting for access to light will be increasingly important as solar power gains popularity.
- Zoning code ineffective in preserving neighborhood character.
- Amount of coverage allowed by additions is too permissive "by right" as well as by the BMZA, especially in small open areas like rowhouse backyards, and can lead to a change in the overall scale of the structure.

### Design/Landscaping

- Require more trees - have environmental review for smaller lots.
- Chain link fences are unattractive, can they be dealt with legislatively or in a design review? Is there a way to bring back the traditional Baltimore wrought iron fence, even if in faux?
- Formstone is ugly and should not be allowed.

Work Group Notes Combined  
Zoning Recommendations

- Signage for non-conforming uses or non-residential uses in R zones should be very restrictive.

Use

- Create buffers or edge treatments between adjacent residential and other use districts to allow blending between the uses instead of sharp divisions.
- Determine what factors make certain uses not work in some areas. For example, next to some bars houses are abandoned, whereas other bars have occupied apartments directly above. Why the difference?
- Zoning doesn't address the transportation network, particularly as some neighborhood business areas become destination businesses. Issues include 1) increases in congestion, 2) cut through traffic in residential areas, 3) speeding, 4) lack of adequate parking.
- Problems with conversions from single family to multi-family in historically single family neighborhoods.

Parking

- Parking regulations for conversion of SF to MF too lax; non-related households contribute to parking issues. There is an undersupply of parking in rowhouse neighborhoods where households have multiple cars, particularly with households of unrelated individuals.
- While there is a desire for mixed-use in some places, what uses work and which are nuisances?
- Angled parking is not a good solution to the SF-to-MF issue.

General

- Zoning regs don't account for individual neighborhood differences.
- Zoning should do more to facilitate communication between neighbors requesting structural or use changes.
- Commercial in residential areas can attract crime – there is a need for buffers.
- Create incentives for lower density, in order to build community.
- Because going from multifamily to single-family is expensive, multifamily conversion should be discouraged.
- Not enough opportunity for community monitoring and review in all aspects of zoning.
- Lot consolidation is too easy, which allows greater density b/c of underlying zoning, larger lots.
- Concern about the definition of family (4 unrelated individuals).
- Concern about clustering of group homes, which has a cumulatively negative impact, including lower property values and vandalism.
- Permitted uses are too broad, code should allow fewer uses "by right," particularly in the higher densities of R9 and R10.

Work Group Notes Combined  
Zoning Recommendations

- Churches may no longer be an appropriate use in R zones, as they now place large parking burdens on the neighborhoods.
- Often the zoning category does not match the historic character and density of the neighborhood.



**What proposed approaches should be considered during the TransForm Baltimore process?**

Respond to Communities

- Zoning should reflect the community vision for the neighborhood
- Make interactive zoning maps more accessible online
- Procedure – There should be more community notice for variances and conditional uses (clearer, more time, more specifics of proposal)
- Recognize and plan for neighborhoods that may look similar but have different needs based on economic factors. For example, in some areas allow conversion to multi-family to spur investment.
- Community needs to see code and map at the same time to understand how and where the code will be applied.
- Allow neighborhoods to consider R-1A, R-1B and park and open space zoning.

Preserve Character

- Code should serve to retain and restore traditional design elements.
- Better integrate CHAP regulations with the actual zoning code, especially in preserving neighborhood character.
- Create Pedestrian Friendly walkways

Prevent Nuisances

- Address the problem of use clustering, particularly for group homes and churches, both of which introduce nuisances into strictly residential areas. Code should encourage equal dispersal throughout the city.
- The new code needs to address the tensions between homeowners and renters, particularly those related to parking issues.
- Transportation infrastructure must be integrated into the rezoning effort. Rail, parking, car-sharing programs, should all be considered when allotting for density. Parking is a particular concern of residents.
- Discourage multifamily conversion of single-family homes.

Provide for Changes

- Over time changes occur in the way churches, commercial activity, and group homes are used and impact the neighborhood.
- Energy supply sources may shift in upcoming years, making access to light and air more important than ever.
- Code should be flexible enough to deal with those changes.

# Sustainability Work Group

11-17-2008

**The new code should encourage:**

- Renewable energy installations by:
  - Troubleshooting potential wind turbine conflicts with height restrictions
  - Preempting association covenants preventing wind accessories
  - Buildings to be “solar ready” – tax credits for solar uses
  - Flexibility in setback requirements to meet solar access
- Water conservation:
  - Above ground water storage tanks for rainwater catchment
  - Installation of water meters
  - A landscape ordinance with water conservation requirements
- Reduction in light pollution
- Protection of greenfields
- Remediation of brownfields
- Preservation of existing trees
- Protection and addition of permeable surfaces – including small lots and back yards
- Green roof installations and living walls
- Reduced energy use through solar orientation evaluation of buildings
- Wider geographic dispersal of farmers markets and access to healthy food
- Urban agriculture
- Closed-loop industrial processes (systems where “waste” is reused as inputs)
- Consider greener parking areas, reduce paving where possible
- Reducing the dependence on automobiles
  - Complete streets requirements that include bicycle lanes, on-street parking, medians, sidewalks, landscaping, lighting, crosswalks, pedestrian refuge islands, bulbouts, and accessibility ramps
  - Infill development
  - Commuting via bicycle and/or walking
  - Transit-oriented development
  - Preferred parking for carpools, car-sharing programs, hybrid vehicles

**The new code should consider:**

- Adaptation to the treats of climate change
- How renewable energy installations may be encumbered
- How recycling program in commercial and multi-family housing may be impacted

# Waterfront Work Group

11-17-2008

## WHAT IS THIS TOPIC?

Baltimore has approximately 47 miles of perimeter shoreline in a variety of uses and conditions. Much of the shoreline is active industry and has deep water for ships. In 2004 the City created the Maritime Industrial Overlay Zone (MIZOD) to protect the industry needing deep water access from non-industrial uses. This topic is focusing on the non-industrial waterfront areas. Typically this is the waterfront land from Canton Industrial area, through the Inner Harbor to Locust Point. It also includes much of the land in the Middle Branch area.

## HOW DO CURRENT APPROACHES IMPACT DEVELOPMENT?

There has been a significant amount of planning and development in these waterfront areas over the last thirty years, including Harbor Place. In many cases the tools to implement these ideas have not been zoning but have been Urban Renewal Overlays and Planned Unit Developments (PUDs). These plans have varied in their details and development guidelines but a common theme is the development of a waterfront promenade. This promenade is intended to create continuous public access to the waterfront. Other guidelines include height, massing and view corridors.

## WHAT ISSUES WITH THE CURRENT APPROACH SHOULD TRANSFORM BALTIMORE HELP ADDRESS?

- Current approach results in inconsistent waterfront development guidelines.
- Consideration of varying waterfront zones, with different height guidelines?
- What are the best ways to address the challenge of developing waterfront sites given the unique physical characteristics of waterfront land – odd lot sizes/shapes, non rectilinear blocks, and a frequent disconnection from the city street grid.
- Must balance between public goals and private property rights.
- Public should be able to access the waterfront .
- Is zoning the right tool to control or deal with waterfront development due to its unique character?
- How will changes to parking requirements in zoning impact or interact with ongoing negotiations between DOT and Developers?

What's next for the Inner Harbor in order to keep it current?

## WHAT PROPOSED APPROACHES SHOULD BE CONSIDERED DURING THE TRANSFORM BALTIMORE PROCESS?

### Uses

The waterfront is too valuable to be used for parking. Consider adding parking to FAR calculations in order to discourage parking and/or cap parking in a waterfront area. Consider allowing shared parking, parking maximums and off-site parking for waterfront uses in the zoning code.

Variety of uses seems to work along the waterfront with the exception that auto oriented retail should be limited.

Consider limiting the size of retail spaces along the water to discourage big box or other types of inappropriate waterfront uses.

Along the promenade, consideration should be given to creating nodes of retail and those nodes should be areas close to transit. Density should be also tied to transit.

### **Design**

Consideration should be given to having buildings step back from the waterfront, similar to the way they were in the Inner Harbor.

Concern was expressed about the bulk of podium type buildings especially when they are mostly parking, blocking views and access to the waterfront.

The code needs to recognize that on the waterfront, buildings have no 'backs'. This presents a challenge for service and makes it difficult to always activate building fronts.

Consider limiting the block width along the waterfront to maintain a more open feel.

Consider setback and step-back requirements along the promenade to help promote and preserve the feeling that it is a public space.

Baltimore should consider view shed legislation and whether that may be appropriate. If view corridors are to be used they need to be clearly defined as to what they are and what purpose they are serving. Maybe there should be different types (i.e. how does a view shed differ from a view corridor).

The use of glass was suggested as an appropriate material to encourage along the waterfront because it is reflective and makes buildings appear less "bulky" and intrusive on the landscape.

Explore design guidelines similar to those in Vancouver.

### **Promenade and Open space**

The promenade is a terrific asset and needs to be made more available. Access should be clearer and more visible with entry points and parking well labeled.

Trees should be added for shade and comfort where possible with consideration given to avoid blocking views. Species and location matter.

### **Waterfront zones vs. Continuous standards**

Generally the group thought the promenade and waterfront areas should be reflective of their adjacent communities, but they all should be looked at as part of a whole and not planned in isolation. For example it is important to develop height, massing and designs studies for all the waterfront areas to make sure they work together as a whole.

The Middle Branch should maintain a softer green edge than the bulk head areas near downtown, and provide a linear connection between waterfront parks.

Transit locations need to be considered in developing nodes of density and mixed-use activity.

Consider performance standards in PUDs and explore the use of performance bonds to guarantee compliance with design guidelines and ensure quality. These could also be used to help mitigate conflicts and “buffer” mixed use developments that choose to locate next to industrial uses.

Preserve districts of unique character so there is diversity along the waterfront – zone in existing character in some cases.

## Other Comments

11-17-2008

Concern about PUD's being revised too often. They are too easy to amend after having gone through an extensive community and hearing/approval process. This defeats the purpose of predictability.

Consider having the BMZA contact community associations and require applicant to contact community association.

Maintain list of community contacts.

Put more emphasis on the nature of the buildings in determining the uses and zoning. For example, historic storefronts should permit small businesses.

Systematically investigate and eliminate illegal billboards throughout the city and set up a program for buying out non-conforming billboards.

Limit businesses to B-1 and B-2 when they are adjacent to residential areas. B-3 is not compatible with residences.

Coffee shops should be permitted in R-5 through R-8 zones.

Create more sidewalks and pedestrian footway requirements in Zoning.

Start using the Parks and Open Space zone.

Allow neighborhoods to use R-1A and R-1B.

B-1, in particular should allow for existing businesses to operate unconditionally.

Look at parking for Auto-dealerships to make sure there is enough for employees and customers and that it is adequately designed.

Enforcement for Zoning and Urban Renewal Plan Violations needs to be increased.

Businesses should be required to contact community Associations before receiving a permit to open, especially those that could be dangerous. Encourage more collaboration between businesses and residents.